



Town of Tyngsborough
Zoning Board of Appeals
Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 115

TYNGSBOROUGH ZONING BOARD OF APPEALS MINUTES

October 10, 2013

APPROVED

Attachments:

1. Meeting Agenda
2. Villages of Maple Ridge Homeowners Association Letter – 9/5/13
3. Town Counsel Opinion Letter for 276 Middlesex Rd. – 10/3/13

Members Present: Robb Kydd, Vice Chairman
Joe Polin
Scott Bordeleau
Chris Mechalides

Members Absent: Claire Cloutier
Cheryl Bradley

6:30pm Meeting was called to order by Vice Chairman R. Kydd

DISCUSSION

1. Villages of Maple Ridge Roadway Specifications/Completion – Ed Wallace

Maple Ridge Homeowners Association representatives Atty. Ed Wallace of 17 Steinbeck St., Harvey Miller of 21 Steinbeck St., and Marty Schecter of 5 Dickens Rd. appeared before the Board to discuss homeowners' concerns regarding the condition of the roads throughout the development and are detailed below:

- Berms have been ruined by the heavy equipment
- Berms don't appear to meet the approved specifications
- Oil traps have not been installed in the catch basins
- Lights on Dickens Lane have not been installed
- Driveways were done poorly or aren't done at all
- There are Conservation concerns (no details were provided)
- Binder coat is in poor shape

- Emergency egress at the end of Steinbeck St. going into Potash Hill Rd. is blocked with heavy equipment
- Catch basins are filled with junk (debris) and not draining well

Residents from Thoreau Lane, Dickens Lane, and Steinbeck St. voiced their concerns as well and urged the Board to investigate the issues with Maple Ridge developer Walter Eriksen. The Board noted that they have performed two previous site inspections with Walter and did report the findings. The homeowners feel frustrated with Mr. Eriksen's delays in finishing the roads. They suggested the Board develop a plan of action with Mr. Eriksen that addresses all of the homeowners' concerns.

Atty. Wallace requested that they be able to review the Maple Ridge development plans. R. Kydd noted that the files are public record and can be viewed any time during business hours.

The Board decided to issue a detailed report to Mr. Eriksen with the homeowners' concerns. In addition, they will request comments from the Building Dept., Conservation Commission, Highway Dept., Fire Dept., and the Board's engineering consultant (PSC, Corp.). The Board will discuss this issue with Mr. Eriksen at the November 14th meeting.

2. 276 Middlesex Rd. – Assaad Maroun

Town Counsel issued an opinion regarding Mr. Maroun's preliminary proposal that an additional combined business/dwelling building be built on the property. Consequently, the request by Mr. Maroun to approve a design concept is outside the authority of the ZBA under the Zoning By-Law and M.G.L. Chapter 40A. He went on to say that applicants with legal issues should consult with his or her own attorney and matters should not be referred to Town Counsel for an opinion for the benefit of the applicant.

ADMINISTRATIVE

1. Minutes: The minutes from April 12, 2012 were tabled until more detail could be added since the recording from that meeting was incomplete.

C. Mechalides: Motion to approve the minutes as amended for November 10, 2011

R. Kydd: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 2

Passes: 4-0-2

R. Kydd: Motion to approve the minutes as written for March 8, 2012

C. Mechalides: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

C. Mechalides: Motion to approve the minutes as written from July 11, 2013

S. Bordeleau: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

S. Bordeleau: Motion to approve the minutes as written from August 8, 2013

J. Polin: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

2. Next meeting is scheduled for November 14, 2013

7:43pm

S. Bordeleau: Motion to adjourn

J. Polin: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Minutes respectfully submitted by
Pamela Berman, ZBA Administrative Assistant